



Docket No.: 62138US(49949)
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: E. Colli

Application No.: 10/573,164

Confirmation No.: 6611

Filed: November 9, 2006

Art Unit: 1612

For: *METHODS FOR TREATING BLADDER
DYSFUNCTION*

Examiner: S. N. Qazi

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT (SIDS)

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. §§1.56, 1.97 and 1.98, Applicant invites the attention of the Patent and Trademark Office to the references and information listed on the attached PTO/SB/08. Applicant respectfully requests that the Examiner expressly consider the information during the prosecution of this application and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

In accordance with 37 C.F.R. §1.98(a)(2)(ii), Applicant has not submitted copies of U.S. patents and published U.S. patent applications. However, Applicant submits herewith copies of foreign patents and non-patent literature in accordance with 37 C.F.R. §1.98(a)(2).

Applicant notes that references AA – CAF were made of record in U.S. patent application Ser. No. 10/903,211, filed July 29, 2004, now issued as U.S. Patent 7,332,482. (Coping U.S. application Ser. No. 11/977,502, filed October 24, 2007, is a division of application Ser. No. 10/903,211.)

Applicant also notes that reference CAG is an April 8, 2009 press release issued by assignee of record BioXell S.p.A. reporting top-line Phase IIB results and reference CAI is a summary of the results of the Phase IIB Trial of "Elocalcitol" (1-alpha-fluoro-25-hydroxy-16,23E-diene-26,27-bishomo-20-epi-cholecalciferol; see, e.g., claim 19 of the instant application) in patients suffering from overactive bladder (OAB) reported in the aforementioned press release.

Applicant further notes that reference CAJ is a Chemical Abstracts registry, entered on January 15, 1998, for "Elocalcitol", that was cited during prosecution of European patent application No. 04789064.5, which corresponds to the instant application. Applicant believes that the code name (CN) "BXL 628" was added to the registry at some point after January 15, 1998 and that the code name was not associated with the chemical name of the compound until some time after September 24, 2003, the earliest priority date of the instant application.

In accordance with 37 C.F.R. §1.97(g), the filing of this Supplemental Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 C.F.R. §1.56(a) exists. In accordance with 37 C.F.R. §1.97(h), the filing of this Supplemental Information Disclosure Statement shall not be construed to be an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

Applicant submits that this Supplemental Information Disclosure Statement is in compliance with 37 C.F.R. §1.98 and request the Examiner to consider the cited references and information.

Applicant files this Supplemental Information Disclosure Statement concurrently with a Request for Continued Examination. Accordingly, Applicant believes that no fees are required for consideration and entry of the Supplemental Information Disclosure Statement.

Nevertheless, Applicant authorizes the Director to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1105, under Order No. 62138US(49949).

Dated: August 10, 2009

Respectfully submitted,



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